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RUEHLO/AMEMBASSY LONDON 1581
RUEHBJ/AMEMBASSY BEIJING 5417
RUEHUL/AMEMBASSY SEOUL 4147
RUEHCHI/AMCONSUL CHIANG MAI 4646
RHHMUNA/CDR USPACOM HONOLULU HI
RHEFDIA/DIA WASHDC
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RHFJSCC/COMMARFORPAC
RUEAIIA/CIA WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 000107

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TH](#)

SUBJECT: PRO-THAKSIN PARTY ON TRACK TO FORM GOVERNMENT,
PENDING INVESTIGATION OUTCOMES

REF: A. BANGKOK 47 (DOZENS UNDER INVESTIGATION)

[1](#)B. BANGKOK 11 (COMMISSION CONSIDERS
DISQUALIFICATIONS)

[1](#)C. 07 BANGKOK 5041

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Classified By: Deputy Chief of Mission James F. Entwistle, reason: 1.4
(b) and (d).

SUMMARY

[1](#)1. (C) The pro-Thaksin People's Power Party (PPP) appears poised to bring all parties except for the Democrats into a formal coalition that would control two-thirds of the House of Representatives. The Election Commission has yet to decide the outcome of 58 House races that were under investigation. Current coalition plans could be disrupted if, in the coming days, the Election Commission disqualifies a dramatic number of PPP candidates, or decides to pursue PPP's dissolution based on alleged vote-buying by a leading party official. End Summary.

PPP BUILDS BROAD COALITION

[1](#)2. (SBU) Barring a drastic step such as the dissolution of the party (see below), PPP appears likely to hold a significant plurality in the House of Representatives after the conclusion of all Election Commission investigations and re-run elections. This likelihood has enabled the party to make substantial progress in building a governing coalition. In recent days, the party leaders of Chart Thai and the Motherland Party have told the press that they intend to formally announce their alignment with the pro-Thaksin People's Power Party (PPP). They will presumably make their announcements after January 16, which will mark the end of the official period of mourning for Princess Galyani Vadhana, the recently-deceased elder sister of King Bhumibol. Chart Thai and the Motherland Party will join three smaller parties

that have already announced support for PPP. Assuming that all these parties formally join PPP, the Democrat Party would be the sole opposition party in the House.

13. (SBU) According to preliminary results from the December 23 election, the coalition that appears likely to form around PPP should control approximately two-thirds of the 480 seats in the new House of Representatives. The preliminary results will change after re-run elections, including some in which candidates who won seats have been disqualified (see below). However, the Democrat Party appears unlikely to win a meaningful number of new seats in the re-run elections; most of the seats that PPP loses will be won by parties that now appear aligned with PPP.

INVESTIGATING HOUSE RACES

14. (SBU) On January 3, the Election Commission certified the winners in 397 of the 480 races. Sixty-five of the 83 pending cases involved fraud claims against the PPP, with a handful of claims against the rest of the parties. Over half the pending cases were in the northeastern Isaan region, a stronghold of pro-Thaksin support, but also an area in which vote-buying is believed to be particularly entrenched.

15. (SBU) The Election Commission is working through the fraud claims before it, and has announced results in 25 of these cases as of January 10. (Note: The Election Commission has the authority to order a re-run election in cases where there is convincing evidence of unfairness; or, it can order a re-run AND disqualify a candidate from running again, if there is convincing evidence that he violated the election law. End note.) Of the PPP cases that were initially pending but have now been resolved, three candidates have been disqualified (in Buriram - ref A), 11 will face re-runs,

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and four have been certified to take their seats in the new Parliament. The ECT has also disqualified two Chart Thai candidates and one candidate from Matchima Thipathai. One Democrat will face a re-run, as will one Chart Thai candidate. (Rounding out the 25 cases, two Democrats were certified as winning their seats after slight delay.) As of January 10, 47 PPP candidates continue to await Election Commission determinations, as do six Motherland candidates and one each from the Democrat, Chart Thai, and Ruam Jai Thai Chart Pattana parties.

DUE PROCESS

16. (SBU) In most cases, the Election Commission has publicly released scant detail about the precise evidence against candidates under investigation. In some cases, however, details have leaked to the press. Allegations against candidates appear to be based on vote-buying; we are not aware of any allegations of tampering with ballot boxes, intentionally distorting vote tallies, or otherwise corrupting election mechanisms or authorities. It appears that all candidates who have been under investigation have been provided with opportunities to present their views to Election Commission investigators. Although the election law provides that Election Commission determinations in these matters are final, some candidates who have been disqualified have said they will challenge these determinations in court.

17. (C) Reftel reported allegations that Police Major General Chaiya Siriamphankun, one of the officials investigating malfeasance by PPP candidates in Buriram, was biased against PPP. On the weekend of January 5-6, the press reported that Chaiya had been relieved of his election-related responsibilities, although election officials made no acknowledgement of any wrong-doing on his part. The re-run election in Buriram will take place on January 13. Other re-run elections should take place soon thereafter, enabling

the House to hold its first session within 30 days of the election.

PPP DEPUTY LEADER UNDER SCRUTINY

¶8. (SBU) The most serious of the remaining cases involves charges that PPP Deputy Leader Yongyuth Tiypairath paid subdistrict headmen to secure political support for him in Chiang Rai (ref A). This case is significant because Yongyuth was elected on the party list for zone one, which includes 11 provinces in the North, and because he is a member of the executive leadership of the party. According to the election law (Section 110), if a party member or official violates the election law for the benefit of the party, the Election Commission can invalidate the party's votes in the area affected. (We understand that this was written to provide for a strong sanction against fraud affecting the party list vote. Simply disqualifying the guilty candidate would not have a deterrent effect on the party, as it would just replace the disqualified candidate with the next name on the list.) While this is a new provision, and its application is not entirely clear, it appears that this sanction could be applied in Yongyuth's case. If it is, the Election Commission could disqualify all five of the PPP winners in zone one and reallocate their seats to the other parties. The Election Commission seems somewhat uncertain exactly how to apply the law in this case, judging from its public statements.

¶9. (SBU) The election law is particularly tough on transgressions committed by members of a party's executive committee. Election Law Section 103 states that, where there is evidence that a member of the Executive Committee of the party is involved in violations of the election law, the political party shall be considered to have committed an act "to obtain powers to rule the country by means not in

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accordance" with the Constitution, and the Election Commission "shall... file a motion with the Constitutional Court to dissolve such political party." If Yongyuth is held responsible for paying local officials as charged, the Election Commission may find it difficult not to forward the case to the Constitutional Court.

¶10. (SBU) Yongyuth has responded publicly to the allegations against him by claiming that unspecified persons have fabricated evidence against him and provided 35 million Baht (over 1 million USD) to influence officials investigating PPP. (Note: PPP has previously accused anti-Thaksin activist Sondhi Limthongkul of conspiring with the Special Branch police investigator to bring false accusations against PPP candidates. End note.) Yongyuth also complained that Special Branch police officials have not allowed him to view video recordings that purport to document his payoffs to local officials. Election Commissioners are hearing further evidence in the case today (January 10), and have said they hope to conclude their deliberations by Friday, January 11. In Chiang Rai, Yongyuth supporters told the press they are planning to hold demonstrations in his support.

COMMENT

¶11. (C) Political discourse has been somewhat muted since Thailand entered an official mourning period for Princess Galyani on January 2. The passage of time since the December 23 election has allowed a perception (most likely correct, in our view) to settle in that, despite pending cases, PPP is poised to formalize a broad coalition and form a government. Tensions remain high, however, as the Election Commission considers the remaining fraud cases, at least one of which could have very serious consequences for PPP. The Commissioners seem fully aware that they are under intense scrutiny and will have to justify whatever actions they take.

The very strict provisions of the election law, however, are designed to impose very severe penalties for election violations.

JOHN